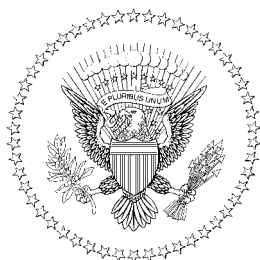


Weekly Compilation of
**Presidential
Documents**



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Contents

Addresses and Remarks

See also Meetings With Foreign Leaders
Arkansas, remarks in Little Rock—141
Congressional leaders, meeting—151
Connecticut, Bush-Cheney reception in Old Greenwich—165
Economists, meeting—169
Health care, access—152
Legislative agenda—151
New Hampshire, discussion on the national economy in Merrimack—159
Radio address—140

Bill Signings

Consolidated Appropriations Act, 2004, statement—137

Communications to Congress

Chemical Weapons Convention, message reporting certification—158
U.S. Air Force operating location near Groom Lake, NV, message—159

Executive Orders

Amendment to Executive Order 12293, the Foreign Service of the United States—139

Interviews With the News Media

Exchanges with reporters
Merrimack, NH—164
Oval Office—147
Roosevelt Room—169

Joint Statements

The Polish-American Alliance for the 21st Century: Joint Statement by President George W. Bush and Polish President Aleksander Kwasniewski—150

Meetings With Foreign Leaders

NATO, Secretary General de Hoop Scheffer—171
Poland, President Kwasniewski—147, 150
Turkey, Prime Minister Erdogan—157

Statements by the President

See Bill Signings

Supplementary Materials

Acts approved by the President—174
Checklist of White House press releases—173
Digest of other White House announcements—171
Nominations submitted to the Senate—173

WEEKLY COMPILATION OF

PRESIDENTIAL DOCUMENTS

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There are no restrictions on the republication of material appearing in the *Weekly Compilation of Presidential Documents*.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Continuity in Representation Act of 2004”.

SEC. 2. REQUIRING SPECIAL ELECTIONS TO BE HELD TO FILL VACANCIES IN HOUSE IN EXTRAORDINARY CIRCUMSTANCES.

Section 26 of the Revised Statutes of the United States (2 U.S.C. 8) is amended—

(1) by striking “The time” and inserting “(a) IN GENERAL.—Except as provided in subsection (b), the time”; and

(2) by adding at the end the following new subsection:

“(b) SPECIAL RULES IN EXTRAORDINARY CIRCUMSTANCES.—

“(1) IN GENERAL.—In extraordinary circumstances, the executive authority of any State in which a vacancy exists in its representation in the House of Representatives shall issue a writ of election to fill such vacancy by special election.

“(2) TIMING OF SPECIAL ELECTION.—A special election held under this subsection to fill a vacancy shall take place not later than 45 days after the Speaker of the House of Representatives announces that the vacancy exists, unless a regularly scheduled general election for the office involved is to be held at any time during the 75-day period which begins on the date of the announcement of the vacancy.

“(3) NOMINATIONS BY PARTIES.—If a special election is to be held under this subsection, not later than 10 days after the Speaker announces that the vacancy exists, the political parties of the State that are authorized to nominate candidates by State law may each nominate one candidate to run in the election.

“(4) EXTRAORDINARY CIRCUMSTANCES.—

“(A) IN GENERAL.—In this subsection, ‘extraordinary circumstances’ occur when the Speaker of the House of Representatives announces that vacancies in the representation from the States in the House exceed 100.

“(B) JUDICIAL REVIEW.—If any action is brought for declaratory or injunctive relief to challenge an announcement made under subparagraph (A), the following rules shall apply:

“(i) Not later than 2 days after the announcement, the action shall be filed in the United States District Court having jurisdiction in the district of the Member of the House of Representatives whose seat has been announced to be vacant and shall be heard by a 3-judge court convened pursuant to section 2284 of title 28, United States Code.

“(ii) A copy of the complaint shall be delivered promptly to the Clerk of the House of Representatives.

“(iii) A final decision in the action shall be made within 3 days of the filing of such action and shall not be reviewable.

“(iv) The executive authority of the State that contains the district of the Member of the House of Representatives whose seat has been announced to be vacant shall have the right to intervene either in support of or opposition to the position of a party to the case regarding the announcement of such vacancy.”.

Amend the title so as to read:

A bill to require States to hold special elections to fill vacancies in the House of Representatives not later than 45 days after the vacancy is announced by the Speaker of the House of Representatives in extraordinary circumstances, and for other purposes.

PURPOSE AND SUMMARY

The “Continuity in Representation Act of 2003” provides for the expedited special election of new Members to fill seats left vacant in “extraordinary circumstances.” “Extraordinary circumstances” occur when the Speaker of the House announces that vacancies in the representation from the States in the House exceed 100. Under the bill as reported by the Committee on House Administration and the Committee on the Judiciary, when such “extraordinary circumstances” occur, a special election must be called within 45 days, unless a regularly scheduled general election for the office involved